

**SMITH HOPEN**  
**INTELLECTUAL PROPERTY LAW**180 Pine Avenue North, Oldsmar FL 34677  
(813) 925-8505 Tel (813) 925-8525 Fax**RECEIVED**  
**CENTRAL FAX CENTER****NOV 09 2007****Fax**

INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Ronald E. Smith
Attn:	Michael A. Brown, Art Unit: 3772	Client:	1320.02
Fax:	(571) 273-8300	Pages:	4 including coversheet
Phone:	(571) 272-4972	Date:	November 9, 2007
Re:	USSN 09/682,353	CC:	Bailey Walsh & Co.

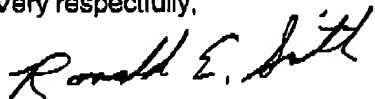
☐ Urgent    ☒ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

Dear Examiner Brown:

In response to the non-final office action mailed October 17, 2007, we enclose the following:

- 1) Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated November 9, 2007 (1 page); and
- 2) Response to Election/Restriction Requirement with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated November 9, 2007 (2 pages).

Very respectfully,

Ronald E. Smith  
Reg. No. 28,761

The documentation accompanying this transmission contains information from the Law Office of Smith & Hopen, P.A., which is confidential and/or privileged. The information is intended only for the use of the individual or entity named on this sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance upon the contents of this telecopied information is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately, so that we can arrange for the return of the original documents to us at no cost to you.

NOV 09 2007

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/682,353  
Applicant: : Richard M. Hall  
Filed: : 08/24/2001  
Art Unit : 3772  
Examiner : Michael A. Brown  
  
Docket No. : 1320.02  
Customer No. : 21,901  
For : Obesity Treatment Aid

Confirmation No.: 8397

Transmitted to Central Fax at (571) 273-8300  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

1. Transmitted herewith is a Response to Election/Restriction Requirement for this application.

## STATUS

2. Applicant is an independent inventor.

## EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.



## SIGNATURE OF PRACTITIONER

Ronald E. Smith  
Smith & Hopen, P.A.  
180 Pine Avenue North  
Oldsmar, Florida 34677  
(813) 925-8505

Reg. No.: 28,761  
Customer No.: 21,901

## CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Art Unit 3772,  
Attn: Michael A. Brown, (571) 273-8300 on November 9, 2007.

Dated: November 9, 2007

  
Lauren Reeves

(Transmittal—page 1)

**RECEIVED**  
**CENTRAL FAX CENTER****NOV 09 2007****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 09/682,353  
Applicant: : Richard M. Hall  
Filed: : 08/24/2001  
Art Unit : 3772  
Examiner : Michael A. Brown  
  
Docket No. : 1320.02  
Customer No. : 21,901  
For : Obesity Treatment Aid

Confirmation No.: 8397

Transmitted to Central Fax (571) 273-8300  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant responds to the nonfinal Examiner's action mailed October 17, 2007, having a shortened statutory period for response set to expire November 17, 2007 as follows:

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**

Applicant elects, without traverse, to prosecute Group I, claims 1-25 and 34, drawn to a dieting aid and a snoring prevention device, classified in class 128, subclass 848.